

REMARKS

This paper is being filed in response to the Office Action mailed on October 5, 2004. A Request for a One-month Extension of Time is filed concurrently herewith, extending the period of response from November 5, 2004 to December 7, 2004. Claims 1-40 are pending and subject to a restriction requirement. Claim 29 has been amended, new claims 41-56 added, and claims 1-28 and 30-30 withdrawn pursuant to the restriction requirement.

The Office Action Summary correctly identifies claims 1-40 as pending in the present application. Page 2 of the Action, however, indicates that claims 1-80 are pending, although the remainder of the Action addresses only claims 1-40. Applicants note for the record that claims 1-40 are pending.

The Office Action has required restriction among the thirty allegedly patentably distinct inventions below:

- I. Claim 1 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:2, classified in class 530, subclass 300.
- II. Claim 2 drawn to a constitutively activated version of the G protein coupled receptor of claim I, classified in class 530, subclass 350.
- III. Claims 3 and 4 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:1, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- IV. Claim 5 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:4, classified in class 530, subclass 300.
- V. Claim 6 drawn to a constitutively activated version of the G protein coupled receptor of claim 5, classified in class 530, subclass 350.

- VI. Claims 7 and B drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO: 3, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- VII. Claim 9 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:6, classified in class 530, subclass 300.
- VIII. Claim 10 drawn to a constitutively activated version of the G protein coupled receptor of claim 9, classified in class 530, subclass 350.
- IX. Claims 11 and 12 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:5, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- X. Claim 13 drawn to a (3 protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:8, classified in class 530, subclass 300.
- XI. Claim 14 drawn to a constitutively activated version of the (3 protein coupled receptor of claim 13, classified in class 530, subclass 350.
- XII. Claims 15 and 16 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:7, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- XIII. Claim 17 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:10, classified in class 530, subclass 300.
- XIV. Claim 18 drawn to a constitutively activated version of the (3 protein coupled receptor of claim 17, classified in class 530, subclass 350.
- XV. Claims 19 and 20 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:9, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- XVI. Claim 21 drawn to a (3 protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:12, classified in class 530, subclass 300.
- XVII. Claim 22 drawn to a constitutively activated version of the G protein coupled receptor of claim 21, classified in class 530, subclass 350.
- XVIII. Claims 23 and 24 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:11, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- XIX. Claim 25 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:14, classified in class 530, subclass 300.

- XX. Claim 26 drawn to a constitutively activated version of the G protein coupled receptor of claim 25, classified in class 530, subclass 350.
- XXI. Claims 27 and 28 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:13, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- XXII. Claim 29 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:16, classified in class 530, subclass 300.
- XXIII. Claim 30 drawn to a constitutively activated version of the G protein coupled receptor of claim 29, classified in class 530, subclass 350.
- XXIV. Claims 31 and 32 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:15, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- XXV. Claim 33 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:18, classified in class 530, subclass 300.
- XXVI. Claim 34 drawn to a constitutively activated version of the G protein coupled receptor of claim 33, classified in class 530, subclass 350.
- XXVII. Claims 35 and 36 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:17, and host cell comprising said plasmid, classified in class 435, subclass 320.1.
- XXVIII. Claim 37 drawn to a G protein coupled receptor encoded by the amino acid sequence of SEQ ID NO:20, classified in class 530, subclass 300.
- XXIX. Claim 38 drawn to a constitutively activated version of the G protein coupled receptor of claim 37, classified in class 530, subclass 350.
- XX. Claims 39 and 40 drawn to a plasmid comprising a vector and the CDNA of SEQ ID NO:19, and host cell comprising said plasmid, classified in class 435, subclass 320.1.

In response to the restriction requirement, Applicants hereby elect Group XXII, claim 29. In doing so, Applicants reserve the right to pursue the subject matter of the non-elected claims in one or more divisional or continuing application(s). Applicants have amended claim 29, and

present new claims 41-56 consistent with the subject matter of group XXII. Nevertheless, Applicants respectfully traverse the restriction requirement.

As will be appreciated, even if the Office considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates *two* criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; *and 2) there must be a serious burden on the examiner.* For purposes of initial restriction, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, however, this *prima facie* burden has not been met. Indeed, the Office Action has not shown separate status in the art or a requirement for a different field of search – indeed, Groups I, II, IV, V, VII, VIII, X, XI, XIII, XIV, XVI, XVII, XIX, XX, XXII, XXIII, XXV, XXVI, XXVIII, and XXIX are in the same class, class 530. Thus, it is not clear how searching these groups in the same class would place a serious burden on the examiner. For this reason, we believe these groups should be rejoined.

Furthermore, Groups I, IV, VII, X, XIII, XVI, XIX, XXII, XXV, and XXVIII are each in the subclass 300, and Groups II, V, VIII, XI, XIV, XVII, XX, XXIII, XXVI, and XXIX are each in the same subclass 350. Accordingly, at a minimum Groups I, IV, VII, X, XIII, XVI, XIX, XXII, XXV, and XXVIII should be rejoined since they can be searched together at the same class and subclass, and groups II, V, VIII, XI, XIV, XVII, XX, XXIII, XXVI, and XXIX should be rejoined for the same reason.

Accordingly, Applicants respectfully request reconsideration of the restriction requirement and rejoinder at least as described above.

With respect to the amendment to claim 29, and new claims 41-56, Applicants respectfully submit that the amendments do not introduce new matter. Accordingly, entry of the amendments and new claims is respectfully requested. Specifically, the following table indicates where support for the amendments and new claims can be found. All references are made with respect to the PTO publication of this application, US2003/0139588 A9. Additional support may be found elsewhere in the application or priority applications.

Claim	Basis in Description (US 2003/0139588 A9)
29	Example 1, paragraphs [0151] to [0157] on page 11; Table C on page 9.
41	Example 6, paragraphs [0213] to [0214] on pages 16-17; Table E on pages 16-17; Example 4, paragraph [0203] on page 15.
42	Example 1, paragraphs [0151] to [0157] on page 11; Table C on page 9.
43	Example 6, paragraphs [0213] to [0214] on pages 16-17; Table E on pages 16-17; Example 4, paragraph [0203] on page 15.
44	Example 1, paragraphs [0151] to [0157] on page 11.
45	Example 6, paragraphs [0213] to [0214] on pages 16-17; Table E on pages 16-17; Example 4, paragraph [0203] on page 15.
46	Example 1, paragraphs [0104] to [0169] on pages 9-11; Example 3, paragraphs [0173] to [0177] on page 12; paragraph [0244] on page 19; throughout the Figures.
47	Example 3, paragraphs [0173] to [0177] on page 12; paragraph [0244] on page 19; throughout the Figures.
48	Example 3, paragraphs [0173] to [0177] on page 12; Example 7C, paragraphs [0241] to [0243] on pages 18-19; throughout the Figures.
49	Example 3, paragraph [0173] on page 12.
50	Example 3, paragraph [0173] on page 12.
51	Example 7C, paragraphs [0241] to [0243] on pages 18-19.
52	Example 3, paragraphs [0173] to [0177] on page 12; Example 7C, paragraphs [0241] to [0243] on pages 18-19.
53	Example 3, paragraph [0173] on page 12.
54	Example 3, paragraph [0173] on page 12.
55	Example 7C, paragraphs [0241] to [0243] on pages 18-19.
56	Example 4, paragraphs [0179] to [0182] on pages 12-13; Example 7A, paragraphs [0215] to [0233] on pages 17-18; Example 7B, paragraphs [0234] to [0240] on page 18.

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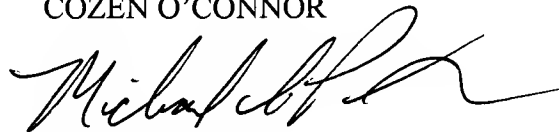
Response to October 5, 2004 Action
Dated: December 6, 2004

As indicated on the transmittal accompanying this response, the Commissioner is hereby authorized to charge any debit or credit any overpayment to deposit account no. 50-1275.

Applicants respectfully request reconsideration of the restriction requirement. Early consideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,

COZEN O'CONNOR

A handwritten signature in black ink, appearing to read "Michael A. Patané", written over the printed name.

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